

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal No. 04-36 Erie
)
MAURICE FRANCIS FOLEY and)
JOHN KIRKPATRICK, et al.,)
)
Defendants.)

MOTION FOR FINAL ORDER OF FORFEITURE

AND NOW comes the United States of America by and through its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and Mary McKeen Houghton, Assistant United States Attorney for the Western District of Pennsylvania, and respectfully represents as follows:

1. By Order of Court dated October 28, 2005, all rights, titles and interests of Maurice Francis Foley and John Kirkpatrick ("Foley and Kirkpatrick") in the following property were forfeited to the United States (the "Subject Property"):
 - (a) \$215,031.35 in United States Currency
 - (b) Real property located at 19845 Hill Road, Saegertown, Crawford County, Pennsylvania, Assessor's Parcel # 28-05-008-70003, including all improvements, fixtures and appurtenances thereto or therein;

(c) A 2003 Chevrolet Silverado, VIN 1GCJK331X3F134794;
A Dodge Ram Truck, VIN 1B7KF23W91J175474;
A 1991 BMW, VIN WBAAA1311MEC69886; and

(d) Coin collection

2. The Order dated October 28, 2005 also directed the United States to begin ancillary forfeiture proceedings and to give notice of the forfeiture of the Subject Property so that third party interests could be adjudicated in accordance with 21 U.S.C. § 853(n).

3. In accordance with the Order of Court dated October 28, 2005, the United States advertised notice of this forfeiture proceeding in a newspaper of general circulation. The Proof of Publication detailing the notice, the newspaper and dates of advertising is on file with the Clerk of the United States District Court.

4. Other than Foley and Kirkpatrick, the United States knows of no person or entity which may hold an interest in the Subject Property.

5. No claims have been filed with regard to the Subject Property. The United States is entitled to forfeiture of the Subject Property free and clear of all right, title and interest of any person or entity, including without limitation Foley and Kirkpatrick.

WHEREFORE, the United States respectfully requests that this Honorable Court enter a final Order forfeiting the Subject Property to the United States free and clear all right, title and interest of any person or entity, pursuant to 21 U.S.C. § 853(a)(1), including without limitation Foley and Kirkpatrick, except subject to valid liens.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Mary McKeen Houghton
MARY MCKEEN HOUGHTON
Assistant U.S. Attorney
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412)894-7370
PA ID No. 31929

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the United States' Motion for Final Order of Forfeiture has been served through the electronic filing system this 2nd day of March, 2007 upon the following:

David A. Schroeder, Esquire
counsel99@aol.com

Timothy J. Lucas, Esquire
tjucaslaw@aol.com

Thomas W. Patton, Esquire
Thomas_Patton@fd.org

Charbel G. Latouf, Esquire
clatouf@hotmail.com

Elliot J. Segel, Esquire
es@ssinjurylaw.com

Stephen M. Misko, Esquire
miskoatlaw@aol.com

Ross C. Prather, Esquire
rossprather@alltel.net

Gene P. Placidi, Esquire
genep@mplegal.com

John H. Moore, Esquire
jhmcdam@yahoo.com

s/Mary McKeen Houghton
MARY MCKEEN HOUGHTON
Assistant U.S. Attorney
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412)894-7370